



October 1, 1999

Mr. Richard Rafes
Vice Chancellor and General Counsel
University of North Texas
P.O. Box 310907
Denton, Texas 76203-0907

OR99-2798

Dear Mr. Rafes:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127980.

The University of North Texas (the "university") received a request for all information relating to "the illnesses of drill team students at Kerr Hall." You claim that the requested information is excepted from disclosure by sections 552.026, 552.101, 552.103, and 552.114 of the Government Code. We have considered your arguments and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. The Communicable Disease Prevention and Control Act, Health & Safety Code § 81.046, protects the following records from disclosure:

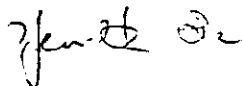
- (a) Reports, records, and information furnished to a health authority or the department that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.
- (b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under Chapter 552, Government Code, and may not be released or made public on subpoena or otherwise except as provided. . . .

Health & Safety Code § 81.046(a), (b). You state that all the information the university has, except for news stories which you will release, were created upon request of the Texas Department of Health (the "department"). We conclude that the requested documents are confidential under section 81.046 as reports, records, and information furnished to the department that relate to cases or suspected cases of diseases or health conditions. None of

the exceptions to the confidentiality provision applies. Therefore, you must withhold the requested information as it is confidential under section 81.046 in conjunction with section 552.101 of the Government Code.

Because section 81.046 of the Health and Safety Code is dispositive, we do not address your other arguments against public disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 127980

Encl.: Submitted documents

cc: Mr. Doug Wilson
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(w/o enclosures)